

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

MITCHELL C. MOONEY,)	
HARRISON GILMORE, DONNIE L.)	
THARP, and SAMUEL KING, on)	
behalf of themselves and other)	
similarly situated,)	
)	
Plaintiffs,)	Case No. 3:07-cv-1018-WKM
)	
v.)	
)	
ADVANCED DISPOSAL SERVICES)	
and URRUTIA, INC.,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO FILE SUR-REPLY TO PLAINTIFFS’
REPLY TO DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION TO
FACILITATE NOTICE AND OBJECTIONS TO PLAINTIFFS’
PROPOSED NOTICE AND CONSENT FORM**

Defendants Advanced Disposal Services (“ADS”) and Urrutia, Inc., d/b/a Arrow Disposal (“Urrutia”) move the Court to permit them to file a Sur-Reply to Plaintiffs’ Reply to Defendants’ Opposition to Plaintiffs’ Motion to Facilitate Notice and Objections to Plaintiffs’ Proposed Notice and Consent Form for the following reasons:

Defendant, Urrutia, Inc. does business as Arrow Disposal. As set forth in Defendants’ Opposition to Plaintiffs’ Motion to Facilitate Notice, Plaintiffs Mooney, King, and Tharp worked for Urrutia, Inc. d/b/a Arrow Disposal. None of

the named Plaintiffs worked for Defendant Advanced Disposal Services. On June 4, 2007, Defendant Advanced Disposal Services acquired Urrutia, Inc.¹ At that time, Urrutia employees became employees of Advanced Disposal, but Urrutia continued to operate as Arrow Disposal.

Prior to June 4, 2007, no entity owned or operated by Advanced Disposal Services did business as Arrow Disposal. Other than the facilities acquired through Urrutia, Inc., no other Advanced Disposal Services facilities or employees operate as Arrow Disposal. However, Plaintiffs' Reply and proposed notice infer that Advanced Disposal Services did business as Arrow Disposal prior to June 4, 2007 and that Advanced Disposal Services currently does business as Arrow Disposal in facilities and operations other than those obtained through the acquisition of Urrutia, Inc.

Therefore, Defendants Advanced Disposal Services and Urrutia, Inc., respectfully request that the Court allow them to submit a sur-reply for the limited purpose of clarifying the record as to the relationship between Advanced Disposal Services and Urrutia, Inc. d/b/a Arrow Disposal, and to clarify the scope of Advanced Disposal Services operations that do business as Arrow Disposal, since Advanced Disposal Services' acquisition of Urrutia, Inc.

¹ In addition to Alabama, Urrutia, Inc. also did business at air force bases in Arizona and New Mexico as Arrow Disposal.

DATED this 16th day of May, 2008

/s/ J. Tobias Dykes

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**ATTORNEYS FOR DEFENDANTS
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URRUTIA, INC.**

CERTIFICATE OF SERVICE

This is to certify that the undersigned electronically filed the foregoing Motion to File Sur-Reply to Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion to Facilitate Notice and Objections to Plaintiffs' Proposed Notice and Consent Form with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

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This the 16th day of May, 2008.

/s/ J. Tobias Dykes
Counsel of Record